



Docket No.: ASU-0001

PATENT

[Handwritten signature]
[Handwritten initials]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Confirmation No.: 1046

Susan D. ALLEN and Sergey I.
KUDRYASHOV

Group Art Unit: 1746

Serial No.: 10/626,880

Examiner: Kornakov, Michail

Filed: 7/25/2003

Customer No.: 34610

For: METHOD AND APPARATUS FOR REMOVING MINUTE
PARTICLE(S) FROM A SURFACE

REPLY TO ELECTION/RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In reply to the Election/Restriction Requirement mailed on June 8, 2006, and the Patent Office Communication dated October 6, 2006, Applicants elect Group I, claims 1-20 with traverse for further prosecution on the merits. Applicants further elect with traverse the species defined by claim 2, (claims 2-4, 16 and 20) within elected Group I, and the species of explosive evaporation of the energy transfer medium recited in claim 5, (claim 6) as required by the Election/Restriction Requirement.

Applicant respectfully submits that the Election within Group I is improper because the Figures subject to the election do not illustrate mutually exclusive

characteristics. Further, the corresponding claims do not recite mutually exclusive characteristics of a single feature. See MPEP 806.04(f). It is respectfully submitted that claims 2, 3 and 4 simply describe a portion of the particle removal process to varying degrees of specificity and scope. Similarly, the features recited in claim 5 simply recite a portion of a process by which one or more particle(s) are dragged from the surface of the substrate to varying degrees of specificity and scope. Thus, the requirement for election of species from amongst claims 2, 3 and 4 and within claim 5 should be withdrawn and claims 1-20 be examined. It is noted that the Election/Restriction Requirement includes what appears to be confusing/contradictory requirements. For example, page 3, item 5 of the Requirement states that Group I contains two patentably distinct species, the first as described by claims 2, 3 and 4, and the second as described by claim 5. Then, item 6 on page 3 states that Applicant must elect claim 2 or claim 3 or claim 4, and that claims 1 and 5 are generic. Applicant agrees that claims 1 and 5 are generic, along with at least independent claims 14, 15 and 17 and dependent claim 19. Applicants submit that claim 2 is generic to claims 2-4 and the species of claim 2 further reads on claim 16 and 20.

It is further submitted that the subject matter of each of the designated inventions, and particularly the subject matter of each of the designated species, is sufficiently related that a thorough search for the subject matter of each of the designated inventions/species

would encompass a search for the subject matter of the remaining designated inventions/species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the U.S. Patent and Trademark Office.

Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Rene Vazquez**, at the telephone number listed below.

Serial No. 10/626,880

Docket No. ASU-0001

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



René A. Vázquez, Esq.
Registration No. 38,647
Carl R. Wesolowski
Registration No. 40,372

P.O. Box 221200
Chantilly, VA 20153-1200
(703) 766-3701 CRW:jld
Date: February 5, 2007